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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

BRIAN ANDERSON
P.O. Box 1010 F.C.I
Bastrop, TX 78602,
Plaintiff,

v.

FEDERAL BUREAU OF PRISONS,
320 FIRST STREET N.W.,
WASHINGTON, D.C. 20534
Defendant.

Case: 1:12-cv-01478
Assigned To : Unassigned
Assign. Date : 9/7/2012
Description: FOIA/Privacy Act

**COMPLAINT FOR DECLARATORY
AND INJUNCTIVE RELIEF**

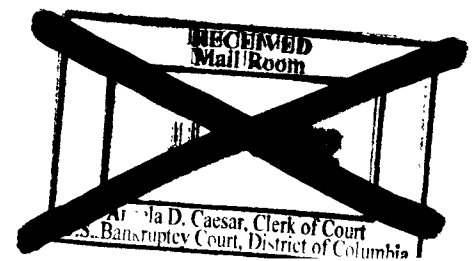
COMES NOW Petitioner, Brian Anderson, *pro se*, who respectfully moves this Court for an Order of Declaratory and Injunctive Relief in this action, under 5 U.S.C. § 552a, the Privacy Act. Plaintiff respectfully requests this Court issue an Order that the Federal Bureau of Prisons ("FBOP") to correct its records. In support of this Motion, Plaintiff would show as follows:

1. This is an action under the Privacy Act ("PA"), 5 U.S.C. § 552a, as amended, to order the agency to correct its records which previous requests by Plaintiff have ben ignored by the defendant agency, violating the above referenced Act.

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2. This Court has jurisdiction over this action pursuant to 5 U.S.C. § 552(A)(4)(b); 5 U.S.C. § 552a(g)(1)(B); (g)(1)(D); (g)(3)(A); (g)(3)(B); (g)(4)(A); and (g)(4)(B).
3. Plaintiff Brian Anderson is a federal prisoner in the Federal Correctional Institution at Bastrop, Texas. He is the requestor of the records to be corrected.
4. Defendant Federal Bureau of Prisons is an agency of the United States, and it has possession of, and control over the records that Plaintiff seeks.
5. Plaintiff made the following request to the defendant agency. A true copy of this request is attached as Exhibit A. No changes to the records were ever made. Defendant Federal Bureau of Prisons maintains a Central file on inmates. Within the Central File are documents which determine an inmates security custody level, ability to transfer, and in Mr. Anderson's case the ability to be transferred back to his native Canada under a treaty transfer policy.
6. In Mr. Anderson's Central File, in a Document titled "Security Designation Data Sheet, the following security data is stated: "Funds were sent to terrorism camps". In appealing to the BOP through the administrative remedy process to correct this patently erroneous information, the BOP informed Mr. Anderson that the information was gleaned from his PSR and his Judgment in a Criminal Case. Mr. Anderson states under penalty of perjury that he has reviewed his PSR at length on numerous occasions, and his Judgment in a criminal case, and

there is no such language or terminology anywhere in said documents. Further, the allegation is patently false in any event.

7. Plaintiff has a statutory right to the correction of the records he seeks, and there is no legal basis for the defendants refusal to correct them . Plaintiff has made a showing that the FBOP has improperly maintained false records.


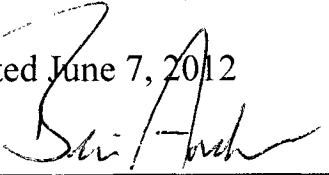
8. Therefore, Plaintiff prays that this Court:

A. Declare the defendant's refusal to correct the records requested by Plaintiff is unlawful;

B. Issue an injunction to prevent the FBOP from relying on their invalid practice of either: (i) not responding at all to PA requests; or (ii) stating the information was derived from sources when such statement is untrue; (iii) make a written finding that the circumstances surrounding the withholding raise questions whether there has been arbitrary or capricious agency action and make a referral to the Merit Systems Protection Board for investigation pursuant to subsection (a)(4)(F); (iv) award Plaintiff his costs and reasonable fees in this action; (v) expedite this lawsuit pursuant to 28 U.S.C. § 1657(a); and grant such other and further relief as the court may deem just and proper.

I declare under penalty of perjury, pursuant to 28 U.S.C. § 1746 the foregoing is true and correct, to the best of my knowledge.

Dated June 7, 2012



Brian Anderson
P.O. Box 1010
Bastrop, TX 78602-1010

CERTIFICATE OF SERVICE

I hereby certify that on June 7, 2012 I sent a true and accurate copy of the foregoing to Defendant Federal Bureau of Prisons, 320 First Street N.W., Washington, DC 20534, via first-class mail, postage prepaid.

Date: June 7, 2012

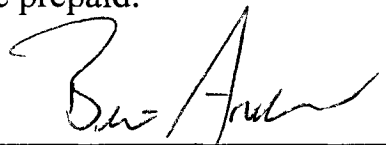
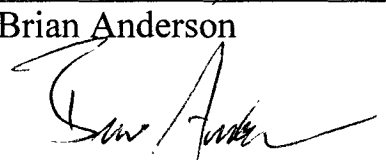

Brian Anderson


EXHIBIT "A"

2/20/11

FREEDOM OF INFORMATION ACT/PRIVACY ACT REQUEST

NOTICE:

**NOTICE TO THE AGENT IS NOTICE TO THE PRINCIPAL
NOTICE TO THE PRINCIPAL IS NOTICE TO THE AGENT
APPLICABLE TO ALL ASSIGNEES AND SUCCESSORS**

TO: Federal Bureau of Prisons - FOIA Officer
320 First St, NW
Washington, DC 20534

DIRECT RESPONSE TO:

Brian D. Anderson
#59942-054
Post Office Box 1010
Bastrop, Texas 78602-1010

IDENTIFICATION OF REQUESTER: Same
[IN ACCORDANCE WITH: 28 CFR 16.11 (d)]

This is a non-commercial request for information pursuant to: [TITLE 5 USC §§ 552, 552(a)(d)(1), 552(a)(4)(v)], for a copy of all records in the possession of your agency concerning specifically:

All information concerning a Management Variable and/or any information from any agency or bureau of the United States Government concerning Inmate Anderson and any alleged association with terrorism including, but not limited to, correspondence (written and/or electronic), any reports, memorandums, or information in the possession of the Federal Bureau of Prisons.

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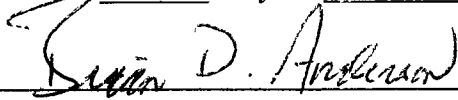
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I agree to pay any reasonable costs/fees applicable to this request, above beyond the specified fees/costs applicable at no charge pursuant to the Uniform Practice Code, the OMB Uniform FOIA schedule & guidelines 6(b), FEDERAL REGULATION 10017, in compliance with [Title 31 USC §§ 9701], or if I am considered indigent, I ask that all costs/fees be WAIVED by your agency, pursuant to [Title 5 USC §§ 552(a)(i)(3) et seq.]

In accordance with the statute, I will expect a response within the Ten (10) days allotted.

I certify, under the penalty of perjury, under the laws of the United States of America, in the Nature of: [Title 28 USC 1746(1)] that I have read the foregoing request for records and knowing the contents thereof, and that the information listed herein/above, full name, correct address, is correct, true and complete.

EXECUTED THIS 26th day of February, 2011.

Signed 

c/c

ADDENDUM TO ADMINISTRATIVE REMEDY
OF BRIAN ANDERSON (59942-054)

EXHIBIT "B"

I am appealing the decision of Warden Claude Maye in my BP-9 in which she mistakenly has assumed that the issue is one of proper placement in a facility which confirms to the service a particular inmate's sentence.

I respectfully ask that you answer two questions in your reply to this BP-10 as this may clarify what relief I am seeking:

1. Information was placed in the Security/Designation Data screen of the BOP which indicates that I allegedly have funded terrorist training camps which is untrue. WHAT GOVERNMENT AGENCY OR OFFICIAL PROVIDED THE BOP WITH THIS INFORMATION?

2. What proof does the BOP have in its possession that these baldly untrue allegations have merit?

As I expect that this matter will ultimately be decided in Federal District Court, I respectfully request that you expedite your reply to this Administrative Remedy so that I can exhaust the Administrative Remedy Process and proceed to a body where relief will be possible.

Thank you in advance for your assistance.



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EXHIBIT 'C'

ANDERSON, Brian

REG. NO. 59942-054

RECEIPTED: 04-04-12

CASE NO. 677195-R1

PART B-RESPONSE

You are appealing the Warden's response to your request for removal of information from the Security Designation Data form. Specifically, you indicate this form indicates you funded terrorist training camps, which you state is untrue. As relief, you request to know the source of this information, along with proof of its accuracy.

We have assessed all relevant factors in your case and find the Warden appropriately addressed your concerns. The information contained on the Security Designation Data form is derived from various sources, including the Presentence Investigation Report and the Judgment in a Criminal Case. The former is produced by the United States Probation Office, while the latter is the formal record of sentencing issued by the Court.

This response is for informational purposes.

In the event you are dissatisfied with this response, you may appeal to the Bureau of Prisons, Administrative Remedy Section, 320 First Street, N.W., Washington, D.C. 20534. Your appeal must be received in that office within 30 days from the date of this response.

5/11/12
Date

Kathy S. Sudders
G. Maldonado, Jr.
Regional Director

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